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First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: 2/17/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MICHAEL S. FOSTER ET AL.

APPLICATION No.: 10/039,404

FILED:

OCTOBER 26, 2001

FOR: METHOD AND SYSTEM FOR

INTERSWITCH LOAD BALANCING IN A

COMMUNICATIONS NETWORK

ART UNIT: 2131

CONF. No: 2034

RECEIVED

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Technology Center 2100

Information Disclosure Statement Within Three Months of Application Filing or Before First Action – 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

1. <u>Timing of Submission</u>

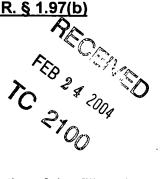
This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. <u>Cited Information</u>

\boxtimes	Copies	of the	following	references	are	enclosed
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☐ References marked by asterisks

☐ The following:



	Copies of the following references can be found in parent U.S. Applicatio No. :					
		All cited references References marked by asterisks The following:				
	This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).					
	The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.					
		All cited references References marked by ampersands The following:				
Effect	of Info	ermation Disclosure Statement (37 C.F.R. § 1.97(h))				
that: exam result cited applic art to	(i) a sination is and the information the sull the sull information the	tion Disclosure Statement is not to be construed as a representation search has been made; (ii) additional information material to the of this application does not exist; (iii) the information, protocols, the like reported by third parties are accurate or enabling; or (iv) the ation is, or is considered to be, material to patentability. In addition, sees not admit that any enclosed item of information constitutes prior bject invention and specifically reserves the right to demonstrate that ference is not prior art.				
Fee F	Paymer	<u>nt</u>				
		e believed due because this Information Disclosure Statement is before the mailing date of the first Office Action.				
		cant further submits that no fee is due in light of the following cation under 37 C.F.R. § 1.97(e) (check only one):				
		In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart				

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3.

4.

- foreign application not more than three months prior to the filing of this statement; or
- In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted, Perkins Coie LLP

Chun M. Ng

Registration No. 36,878

Date: 4///09

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CA - action				COMPLETE IF KNOWN			
0 2004	3			Application Number	10/039,404		
		DISCLOSURE		Confirmation Number	2034		
TATEMENT BY APPLICANT				Filing Date	October 26, 2001 *		
PIENT & TRADEN	Form PTO-14	49 (Modified)		First Named Inventor	Michael S. Foster		
TRAU (U	se several she	ets if necessary	()	Group Art Unit	2131		
				Examiner Name			
Sheet	1	of	1	Attorney Docket No.	030048027US		

				U.S. PATENT DOCUMENTS			
Examiner Initials*	Cite No.	U.S. Patent or Application Kind Code NUMBER (if known)		Name of Patentee or Inventor of Cited Where Relevant Passa		Pages, Columns, Lines Where Relevant Passage Relevant Figures Appea	s or
		5,872,783		Chin	2/16/99		
		5,892,766		Wicki et al.	4/6/99		
		5,940,596		Rajan et al.	8/17/99		
		6,034,956 6,147,976		Olnowich et al.	3/7/00	3/7/00	
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EXAMINER		DATE CONSIDERED			
*EXAMINER:	Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not				
	considered. Include copy of this form with next communication to application(s).				